

**REMARKS**

Claims 1-31 are canceled without prejudice. As a result, the pending rejections of claims 1-26 are rendered moot. Applicants' maintain the right to pursue any of the canceled claims in a follow-on continuing application.

New claims 32-55 are presented for examination at least in part to clarify Applicants' contributions to the art.

It is particularly noted that new independent claim 32 is drawn to a device for photoprocessing of biological tissue that utilizes an *incandescent lamp* to provide electromagnetic radiation. None of the cited art (i.e., Lundahl, Gates, Eckhouse, and Gustafsson) recognizes that an incandescent lamp can be effectively utilized in a biological tissue photoprocessing device. Furthermore, claim 32 recites the use of a power modulator "for adjusting power delivered to the incandescent lamp during use based on resistance measurements." As taught in the Specification (see page 9, line 18 to page 10, line 26), use of such a power modulator allows an incandescent lamp to be operated above its nominal power rating to produce advantageous wavelengths of electromagnetic radiation for treating tissue without causing deterioration or failure of the lamp. None of Lundahl, Gates, Eckhouse, and Gustafsson teach, suggest, or motivate the combination of an incandescent lamp and modulator as recited in claim 32. Though Gates teaches the use of a resistometer to maintain a steady power output in a generic lamp, there is absolutely no hint, suggestion, or motivation that a resistometer, power modulator, and incandescent lamp can be used in a biological tissue photoprocessing device to adjust, e.g., intermittently increase, power to an incandescent lamp. Clearly new claim 32 is novel, nonobvious, and patentable.

New claims 33-54, depending from new claim 32, are all patentable for at least the same reasons. It is also noted that support for a pain threshold sensor, as recited in claim 52, is presented at page 16, lines 20-29 in the clean version of the substitute specification provided with the Applicants' paper submitted August 20, 2004 (herein "the Specification"). The Specification therein specifically describes that a sensor can be utilized "that reports crossing of the pain threshold" by monitoring pupil size (the pupil contracting sharply when the pain threshold is crossed), or a blood flow sensor (the rate of blood flow dropping sharply when the pain threshold is crossed).

**CONCLUSION**

In view of the amendments and remarks above, Applicants submit that claims 32-54 are in condition for allowance, and allowance thereof is respectfully requested. Applicants encourage the Examiner to telephone the undersigned in the event that such communication might expedite prosecution of this matter.

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Respectfully submitted,

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